

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 10-CR-0345 PJS/FLN

Plaintiff,

v.

O R D E R

Marlon Louis Danner,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated May 25, 2011, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Defendant's motion to dismiss Count 11 [Docket No. 22] is GRANTED;
2. The Government's motion to dismiss Count 11 [Docket No. 41] is DENIED as moot; and
3. Count 11 of the Indictment is DISMISSED.

DATED: June 9, 2011.

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge